

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

UNITED STATES OF AMERICA,)
Plaintiff,)
)
v.) Case No. 20 CR 318
) Judge Robert W. Gettleman
OLALEKAN JACOB PONLE,)
Defendant.)

**DEFENDANT'S UNOPPOSED MOTION FOR AN EXTENSION
OF TIME TO FILE PRETRIAL MOTIONS**

Defendant, **OLALEKAN JACOB PONLE**, by and through his attorneys, **THOMAS ANTHONY DURKIN** and **MICHEL B. NASH**, pursuant to Rule 12(c)(2) of the Federal Rules of Criminal Procedure, and the Due Process and Effective Assistance of Counsel Clauses Fifth and Sixth Amendments, respectfully moves this Court to extend Defendant's deadline to file pretrial motions, from October 29, 2021, to November 22, 2021, due to the government's need for more time to provide information in relation to a potential pre-trial motion regarding the existence of a joint investigation between the FBI and the government of The United Arab Emirates ("UAE"). The government does not oppose this request and joins in it.

In support of this motion, Defendant, through counsel, shows to the Court the following:

1. On April 8, 2021, the Court granted undersigned counsel Michael B. Nash's oral request for the appointment of co-counsel. (Dkt. #41). The Court appointed undersigned counsel Thomas Anthony Durkin as co-counsel on April 27, 2021, on which date Attorney Durkin also filed his appearance. (Dkt. ## 44, 45).
2. On August 23, 2021, the Court ordered Defendant's pre-trial motions to be due by October 29, 2021. (Dkt. #49).
3. To date, undersigned counsel has received ten (10) voluminous discovery

productions from the government. As mentioned at previous status conferences, counsel for Defendant have also sent a detailed discovery letter to the government which requests, among other things, any documentation supporting the existence of a joint investigation between the FBI and the UAE.¹

4. Counsel have recently been informed by AUSA Melody Wells that the FBI has informed her of the existence of certain documents regarding some interaction or communications between the FBI and the UAE. Ms. Wells believes the government will be able to provide this information to counsel within the next two weeks.

5. This information may well lead to further discovery requests and/or provide counsel with the opportunity to file a motion for further discovery based upon the existence of a joint investigation between the FBI and the UAE. Without belaboring the point or taking an unfounded position, suffice it to say that such a motion might well be critical to Mr. Ponle's defense and provide a basis for other serious substantive pre-trial motions. Counsel are only asking for an extension of time for the filing of any pre-trial motions relating to or derived from the forthcoming discovery production.²

6. Under these circumstances, AUSA Wells has informed counsel that the government has no objection to the granting of this relief.

7. This motion is made in good faith and not for purposes of delay.

¹ On July 2, 2020, with the assistance of the Dubai Police Department, the FBI located and arrested Defendant in Dubai and transported him in a private FBI aircraft from Dubai to Midway Airport in Chicago. Defendant had been arrested in Dubai approximately one month earlier. His treatment in Dubai and questioning regarding his involvement in terrorism is at the heart of a counsels' discovery requests.

² The parties have reached an agreement regarding any stock pre-trial motions, such as the preservation of agents' notes, *Santiago*, *Brady*, and the like. Counsel can also represent that the government has been quite forthcoming and accommodating with respect to discovery production and the sharing of information.

Respectfully submitted,

/s/ Thomas Anthony Durkin
THOMAS ANTHONY DURKIN,
One of the Attorneys for Defendant.

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CERTIFICATE OF SERVICE

Thomas Anthony Durkin, Attorney at Law, hereby certifies that the foregoing was served on October 29, 2021 in accordance with Fed.R.Crim.P.49, Fed.R.Civ.P.5, LR 5.5, and the General Order on Electronic Case Filing (ECF) pursuant to the district court's system as to ECF filers.

/s/ Thomas Anthony Durkin

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